

1 THE HONORABLE THOMAS S. ZILLY
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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

8 BUNGIE, INC.,

9 Plaintiff,

10 v.

11 AIMJUNKIES.COM; PHOENIX
12 DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
13 JEFFREY CONWAY; and JAMES MAY,

14 Defendants.

15 No. 2:21-cv-811-TSZ

16 [PROPOSED] ORDER GRANTING
17 PLAINTIFF BUNGIE, INC.'S MOTION TO
18 STRIKE EXPERT TESTIMONY OF BRAD
19 LAPORTE

20 THIS MATTER came before the Court for hearing on Plaintiff Bungie, Inc.'s ("Bungie")
21 Motion to Strike Expert Testimony of Brad LaPorte ("Motion"). Now, having reviewed the
22 parties' briefing, declarations, and exhibits attached thereto, it is hereby ORDERED that Bungie's
23 Motion is GRANTED, it is further:

24 ORDERED that any of Brad LaPorte's report and/or testimony concerning the following
25 subjects is excluded and may not be presented at trial:

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- A. Any opinions or testimony concerning the meaning of Exhibit D to Defendants' Amended Counterclaims (Dkt. No. 72-4) and/or BUNGIE_WDWA_0000367.
- B. Any opinions or testimony concerning Bungie's claims in this matter, or Bungie's expert witness Steven Guris or his expert report.

1 C. Any opinions or testimony that the system drivers in Exhibit C to Defendants'
2 Amended Counterclaims (Dkt. No. 72-3) and/or BUNGIE_WDWA_0000409 (such
3 as \??\g:\work files\reclass\x64\plugins\reclasskernel64.sys
4 (8D98DB3A27112A9C92558FF90A1D6206)) were not attributable to Defendant
5 Phoenix Digital Group LLC.

6 **IT IS SO ORDERED**

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9 DATED this _____ day of _____, 2023.
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Honorable Thomas S. Zilly
UNITED STATES DISTRICT JUDGE

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15 Presented by:

16 /s/ William C. Rava

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[PROPOSED] ORDER
(No. 2:21-cv-811-TSZ) – 2

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